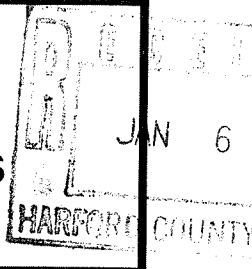


**STANDARD APPLICATION**  
**Harford County**  
**Board of Appeals**  
 Bel Air, Maryland 21014



Case No. 5466  
 Date Filed 12/28/04  
 Hearing \_\_\_\_\_ Date \_\_\_\_\_  
 Receipt 650.00

*Shaded Areas for Office Use Only*

Type of Application	Nature of Request and Section(s) of Code
<input type="checkbox"/> Administrative Decision/Interpretation	<u>CASE 5466 MAP 64 TYPE Special Exception &amp; Variance</u>
<input checked="" type="checkbox"/> Special Exception	<u>ELECTION DISTRICT 01 LOCATION 321 Enfield Rd; 330 Enfield Rd</u>
<input type="checkbox"/> Use Variance	<u>393 Pulaski Hy; 395 Pulaski Hy (Parcel 162, lots 165,166,167,168)</u>
<input type="checkbox"/> Change/Extension of Non-Conforming Use	<u>BY Coscan/Adler Limited Partnership</u>
<input type="checkbox"/> Minor Area Variance	<u>10480 Little Patuxent Parkway, Columbia, MD 21044</u>
<input type="checkbox"/> Area Variance	<u>Appealed because a special exception pursuant to Sec. 267-53 F of the Harford</u>
<input checked="" type="checkbox"/> Variance from Requirements of the Code	<u>County Code to allow a condominium/apartment development in the B3 district and</u>
<input type="checkbox"/> Zoning Map/Drafting Correction	<u>a variance pursuant to Sec. 267-53F (1) (a) to allow a condominium/apartment</u>
	<u>development on less than 5 acres in the B3 district requires approval by the Board.</u>

*NOTE: A pre-conference is required for property within the NRD/Critical Area or requests for an Integrated Community Shopping Center, a Planned Residential Development, mobile home park and Special Exceptions.*

**Applicant/Owner (please print or type)**

Name Coscan/Adler Limited Partnership Phone Number Call Attorney

Address 10480 Little Patuxent Parkway, Columbia MD 21044-3568  
Street Number Street City State Zip Code

Co-Applicant \_\_\_\_\_ Phone Number \_\_\_\_\_

Address \_\_\_\_\_  
Street Number Street City State Zip Code

Contract Purchaser \_\_\_\_\_ Phone Number \_\_\_\_\_

Address \_\_\_\_\_  
Street Number Street City State Zip Code

Attorney/Representative Kevin J. Mahoney Phone Number 410-893-7500

Address 11 South Main Street, P.O. Box 1776 Bel Air MD 21014-1776  
Street Number Street City State Zip Code

## Land Description

Address and Location of Property Lot 165 - 321 Enfield Road, 36,633 SF; Lot 166 - 330 Enfield Road, 1.068 AC;  
Lot 167 - 393 Pulaski Highway, 1.28 AC; Lot 168 - 395 Pulaski Highway, 1.28 AC, Joppa Maryland 21085;  
Intersection of Joppa Road and Enfield Road

Subdivision 1080 Lot Number 165; 166; 167; 168

Acreage/Lot Size 4.4689779 Acres Election District 01 Zoning B3

Tax Map No. 64 Grid No. 3F Parcel 162 Water/Sewer: Private X Public

List ALL structures on property and current use: None

Estimated time required to present case: 1 hour

If this Appeal is in reference to a Building Permit, state number No

Would approval of this petition violate the covenants and restrictions for your property? No

Is this property located within the County's Chesapeake Bay Critical Area? Yes  No X

If so, what is the Critical Area Land Use designations:

Is this request the result of a zoning enforcement investigation? Yes  No X

Is this request within one (1) miles of any incorporated town limits? Yes  No X

## Request

SEE ATTACHED

## Justification

SEE ATTACHED

*If additional space is needed, attach sheet to application. In answering the above questions, please refer to the Requirements that pertain to the type of approval request. (Special Exception, Variance, Critical Area or Natural Resource District (NRD) Variance, etc.)*

15 : 12/23/04

13 : 2548

205471

## **REQUEST**

1. Special Exception pursuant to Section 267-53F to allow condominium development in the B3 district.

2. Variance from the requirements of Section 267-53F(1)(a) to allow a condominium development on a parcel less than 5 acres in size.

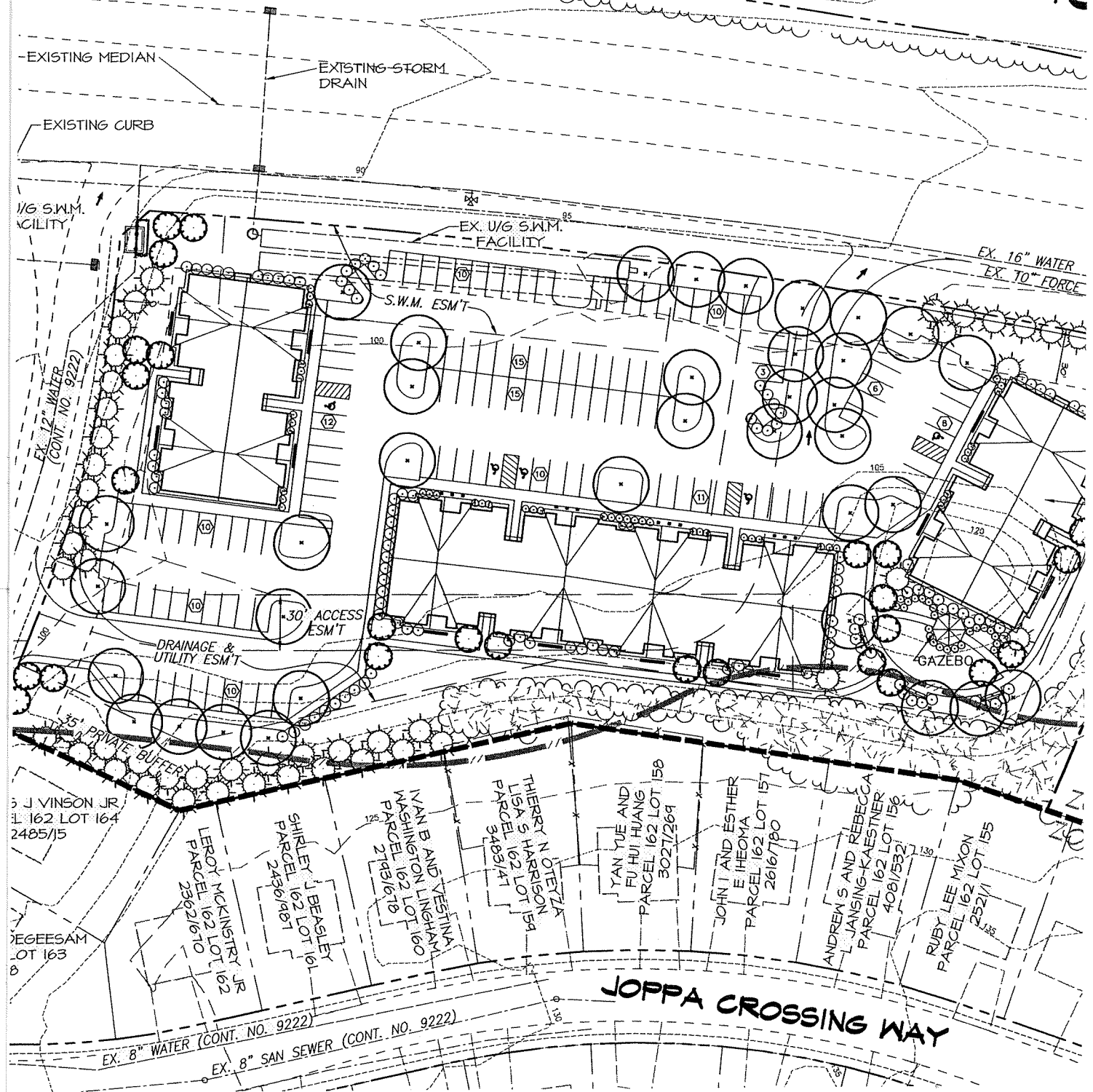
## **JUSTIFICATION**

The subject property is 4.469 acres in size and meets all the requirements of the Harford County Zoning Code for the requested relief with the exception of the minimum parcel size. The property is unique because of its size and topography. In addition, as a result of the development of the Gunpowder Pointe Subdivision to the rear of the subject property, an access road was constructed which bisects the subject property. That access road effectively reduced the parcel size to less than the required five acres. Furthermore, that access road imposed constraints on the subject property which effectively prevented commercial access points onto Route 40. As a result, the property cannot be developed for commercial purposes. Therefore, the only viable use of the property is residential development.

The proposal is for an aesthetically pleasing mix of five condominium buildings with a total of 80 units. The proposal will incorporate extensive landscaping and passive recreational features will complement the adjoining Gunpowder Pointe residential development. Applicant has met with representatives of the Gunpowder Pointe Homeowners Association who support the requested relief.

# U.S. ROUTE 40

# (PULASKI HIGHWAY)



- G WATER LINE
- G SANITARY SEWER
- G STORM DRAIN
- SED SHADE TREE
- SED FLOWERING TREE
- SED EVERGREEN
- SED SHRUBS

**JAMES M. HARKINS**

HARFORD COUNTY EXECUTIVE

**JOHN J. O'NEILL, JR.**  
DIRECTOR OF ADMINISTRATION



**J. STEVEN KAI-ZIEGLER**  
DIRECTOR OF PLANNING & ZONING

## HARFORD COUNTY GOVERNMENT

### Department of Planning and Zoning

February 3, 2005

### STAFF REPORT

### **BOARD OF APPEALS CASE NO. 5466**

**APPLICANT/OWNER:** Coscan/Adler Limited Partnership  
10480 Little Patuxent Parkway, Columbia, Maryland 21044

**REPRESENTATIVE:** Kevin Mahoney  
11 South Main Street, P.O. Box 1776, Bel Air, Maryland 21014

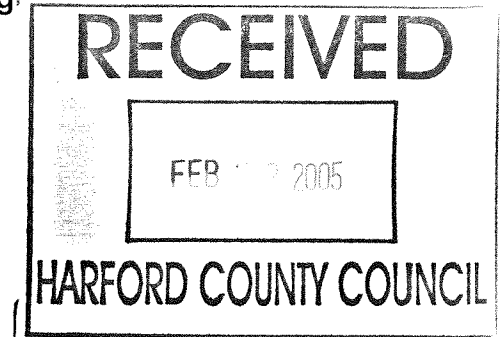
**LOCATION:** Enfield Road and Pulaski Highway (Route 40)  
Tax Map: 64 / Grid: 3F / Parcel: 162 / Lots: 165, 166, 167, and 168  
Election District:

**ACREAGE:** 4.4689779 acres.

**ZONING:** B3/General Business District.

**DATE FILED:** December 28, 2004

**HEARING DATE:** March 2, 2004



### **APPLICANT'S REQUEST and JUSTIFICATION:**

See ATTACHMENT 1.

### **CODE REQUIREMENTS:**

The Applicants are requesting a special exception pursuant to Section 267-53F of the Harford County Code to allow a condominium/apartment development in the B3 District and a variance pursuant to Section 267-53F(1)(a) to allow a condominium/apartment development on less than 5 acres in the B3/General Business District.

*Preserving our values, protecting our future*

## STAFF REPORT

Board of Appeals Case Number 5466

Coscan/Adler Limited Partnership

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Section 267-53F of the Harford County Code reads:

F. *Residential uses [Amended by Bill Nos. 84-57; 86-12; 88-85; 88-87]*

- (1) Apartments, dwellings, garden, mid-rise and high-rise. These uses may be granted in the R4 and B3 Districts, provided that:*
  - (a) A minimum parcel area of not less than five (5) nor more than fifteen (15) acres shall be established.*
  - (b) The density shall not exceed twenty (20) dwelling units per acre for mid-rise apartment and thirty (30) dwelling units per acre for high-rise apartments, and the maximum building coverage shall be forty percent (40%) of the total parcel for mid-rise apartments and thirty percent (30%) of the total parcel for high-rise apartments.*
  - (c) The location is suitable for apartments dwellings with regard to traffic, access, efficiency and convenience of land use and safety.*
  - (d) The proposed project is designed with properly arranged traffic flow and parking, buildings which are compatible and harmonious with surrounding uses, minimum obstruction to the view of those who live in the surrounding area and no adverse effect upon adjoining or surrounding properties.*
  - (e) The open space shall constitute at least thirty-five percent (35%) of the parcel area, of which at least forty percent (40%) shall be suitable for and devoted to active recreation.*
  - (f) Any area not used for buildings, structures or parking shall be landscaped and properly maintained.*
  - (g) In the B3 District, apartment dwelling structures shall be able to provide retail and service uses primarily intended for the future residents to the extent of one thousand (1000) square feet of gross floor area for every one hundred (100) dwelling units within the project. Business uses shall be located on only the first two (2) floors of any building. No more than one (1) restaurant or bar shall be permitted. No freestanding signs advertising the business uses shall be allowed.*

Enclosed with the report is a copy of Section 267-51 and 267-52 of the Harford County Code (Attachment 2).

Section 267-9I of the Harford County Code will be discussed in detail later in the report.

### **LAND USE and ZONING ANALYSIS:**

#### **Land Use – Master Plan:**

The Applicants' property is located in the southwest area of the County. The property is situated on the south side of Pulaski Highway (Route 40) just east of Joppa Farm Road. The property is

## STAFF REPORT

Board of Appeals Case Number 5466

Coscan/Adler Limited Partnership

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located at the entrance to the development of Joppa Crossings. A location map and a copy of the Applicants' site plan are enclosed with the report (Attachments 3 and 4).

This property is located within the Development Envelope. Land use designations include Low, Medium and High Intensities. There is a Community Center located just to the west of the site. The Natural Features Map reflects parks and stream systems. The subject property is designated as High Intensity, which is defined by the 2004 Master Plan as:

**High Intensity** - Areas within the Development Envelope where residential development occurs at a density greater than 7.0 dwelling units per acre. Major retail commercial centers and highway-related businesses, such as automobile dealerships and home improvement centers, are examples of some of the most intensive uses associated with this designation.

Enclosed with the report are copies of portions of the 2004 Land Use Map and the Natural Features Map (Attachments 5 and 6).

### Land Use – Existing:

The existing land uses in this area of the County are consistent with the 2004 Master Plan. There is a mix of residential uses including apartments, condominiums, townhouses, single-family homes and a mobile home park. Commercial uses include individual retail and service uses, motor vehicle uses and shopping centers. Industrial uses include light manufacturing and warehouses. A copy of the aerial photograph is enclosed with the report (Attachment 7).

The property is located on the south side of Pulaski Highway (Route 40) adjacent to the Joppa Crossing development. The property is a long narrow strip of land separated by Enfield Drive and consists of approximately 4.5± acres. The property rises up from Route 40 to an area that has been graded and is mainly level. There is a steep embankment across the rear property line that raises steeply up to the adjacent single-family dwellings. There is approximately a 15 to 20-foot elevation difference between the subject property and the homes to the rear. A topographic map, site photographs along with an enlargement of the aerial photograph are enclosed with the report (Attachments 8, 9 and 10).

### Zoning:

The zoning classifications in the area are consistent with the intent of the 2004 Master Plan as well as the existing land uses. Residential zoning ranges from R1 to R4/Urban Residential Districts. Commercial zoning includes B3/General Business and CI/Commercial Industrial Districts. The subject property is zoned B3/General Business District, as shown on the enclosed copy of the Zoning Map (Attachment 11).

## STAFF REPORT

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Coscan/Adler Limited Partnership

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### SUMMARY:

The Applicants are requesting a special exception pursuant to Section 267-53F of the Harford County Code to allow a condominium/apartment development in the B3 District and a variance pursuant to Section 267-53F(1)(a) to allow a condominium/apartment development on less than 5 acres in the B3/General Business District.

Variances of this nature may be approved by the Board of Appeals pursuant to Section 267-11 of the Harford County Code, provided it finds by reason of the uniqueness of the property or topographical conditions that literal enforcement of the Code would result in practical difficulty and undue hardship. Further, the applicant must show that the request will not be substantially detrimental to adjacent properties or will not materially impair the purpose of the Code or the public interest.

The Department finds that the subject property is unique. Enfield Road was constructed through this property as access to the Joppa Crossing (Gunpowder Point) residential development. The property is long and narrow, which would require commercial development on the property to be pushed up against the adjacent residential uses. Given the elevation difference, the houses to the rear are at a much higher elevation than the subject lot, it would be difficult to adequately screen a commercial use on this property from the adjacent homes. The approval of this variance would not adversely impact the intent of the Code or the adjacent properties. The use of this property for condominiums/apartments will be compatible with the neighborhood.

### Section 267-53F:

*F. Residential uses [Amended by Bill Nos. 84-57; 86-12; 88-85; 88-87]*

*(1) Apartments, dwellings, garden, mid-rise and high-rise. These uses may be granted in the R4 and B3 Districts, provided that:*

The subject property is zoned B3/General Business District.

*(a) A minimum parcel area of not less than five (5) nor more than fifteen (15) acres shall be established.*

The subject property is 4.46± acres in size. As previously stated, the Department finds that the requested variance from this requirement is appropriate.

*(b) The density shall not exceed twenty (20) dwelling units per acre for mid-rise apartment and thirty (30) dwelling units per acre for high-rise apartments, and the maximum building coverage shall be forty percent (40%) of the total parcel for mid-rise apartments and thirty percent (30%) of the total parcel for high-rise apartments.*



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The Applicants propose to create 80 units which is less than the 20 dwellings per acre allowed by the Code. The plan proposes a building coverage of 18.8% which is much less than the 40% permitted.

- (c) *The location is suitable for apartments dwellings with regard to traffic, access, efficiency and convenience of land use and safety.*

The Department finds that this location is suitable for condominium/apartment dwelling. The proposed use will be compatible with the adjacent residential uses to the rear. The proposal should not adversely impact traffic on Enfield Road on US Route 40.

- (d) *The proposed project is designed with properly arranged traffic flow and parking, buildings which are compatible and harmonious with surrounding uses, minimum obstruction to the view of those who live in the surrounding area and no adverse effect upon adjoining or surrounding properties.*

The main access to the property will be from Enfield Road, which was designed to be able to handle the extra traffic from this project. In fact, the proposed condominiums will generate less traffic than would be expected from commercial development of this site.

- (e) *The open space constitute at least thirty-five percent (35%) of the parcel area, of which at least forty percent (40%) shall be suitable for the devoted to active recreation.*

The building as proposed will be compatible with the surrounding uses. The site as presently designed has 1.56-acres or 35% active open space and 2.13-acres or 47% passive open space proposed. The applicant will be able to meet these requirements. The specific details of the open space facilities will be reviewed with the preliminary plan. Enclosed is a copy of the architectural rendering for the building (Attachment 12).

- (f) *Any area not used for buildings, structures or parking shall be landscaped and properly maintained.*

The Applicants have submitted a conceptual landscaping plan that proposes landscaping and buffers around the entire perimeter of the property. The landscaping as shown will provide adequate screening to the adjacent property. A final landscaping plan shall be submitted with the preliminary plan for review and approval by the Department of Planning and Zoning.

- (g) *In the B3 District, apartment dwelling structures shall be able to provide retail and service uses primarily intended for the future residents to the extent of one thousand (1000) square feet of gross floor area for every one hundred (100) dwelling units with the project. Business uses shall be located on only the first two (2) floors of any building. No more than one*

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Board of Appeals Case Number 5466

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*(1) restaurant or bar shall be permitted. No freestanding signs advertising the business uses shall be allowed.*

No retail or service uses are proposed within this project.

Section 267-9I:

*(1) The number of persons living or working in the immediate area.*

The subject property is located in the southern end of the Development Envelope. The proposed project will not adversely impact persons living or working in the immediate area.

*(2) Traffic conditions, including facilities for pedestrians, such as sidewalks and parking facilities, the access of vehicles to roads; peak periods of traffic, and proposed roads, but only if construction of such roads will commence within the reasonably foreseeable future.*

Primary access to the site is from Enfield Drive. The traffic generated from the proposal is anticipated to be significantly less than what would be expected from a commercial use of the site. Sidewalks will be extended from this site to connect to the existing sidewalks along Enfield Road.

*(3) The orderly growth of the neighborhood and community and the fiscal impact on the county.*

The proposed use is permitted in the B3/General Business District with Board approval. This area currently contains a mix of residential and commercial uses. The proposal is consistent with other uses in the area. The proposal will not have an adverse fiscal impact on the County.

*(4) The effect of odors, dust, gas, smoke, fumes, vibration, glare and noise upon the use of surrounding properties.*

The proposal should not have an adverse impact regarding any of the above issues.

*(5) Facilities for police, fire protection, sewerage, water, trash and garbage collection and disposal and the ability of the county or persons to supply such services.*

The Harford County Sheriff's Office and the Maryland State Police will provide police protection. The Joppa Volunteer Fire Department will provide primary fire protection and emergency assistance. The property will be served by public water and sewer. The Applicant is required to arrange for trash collection with a private hauler.

*(6) The degree to which the development is consistent with generally accepted engineering and planning principles and practices.*

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Coscan/Adler Limited Partnership

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The proposal is consistent with accepted planning principles.

- (7) *The structures in the vicinity, such as schools, houses of worship, theaters, hospitals and similar places of public use.*

There are churches, schools and parks in this area of the County. These uses will not be impacted by the proposal.

- (8) *The purposes set forth in this Part 1, the Master Plan and related studies for land use, roads, parks, schools, sewers, water, population, recreation and the like.*

The proposed use is consistent with the intent of the 2004 Master Plan.

- (9) *The environmental impact, the effect on sensitive natural features and opportunities for recreation and open space.*

The proposal will not adversely impact any surrounding natural features.

- (10) *The preservation of cultural and historic landmarks.*

Not applicable to the request.

### **RECOMMENDATION and or SUGGESTED CONDITIONS:**

The Department of Planning and Zoning recommends that the requested special exception and variance be approved subject to the following conditions.

1. The Applicants shall prepare a detailed site plan to be reviewed and approved through the Development Advisory Committee (DAC).
2. The site plan submitted to the County shall be in general compliance with the site plan approved by the Board of Appeals.
3. The Applicants shall obtain all necessary permits and approvals for the proposed use.
4. A final landscaping plan/lighting plan shall be submitted to the Department of Planning and Zoning for review and approval with the site plan.
5. The number of units shall be limited to 80.

STAFF REPORT

Board of Appeals Case Number 5466

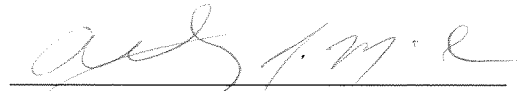
Coscan/Adler Limited Partnership

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Dennis J. Sigler, Coordinator  
Zoning & Board of Appeals Review

DJS/ASM/jf



Anthony S. McClune, AICP  
Deputy Director, Planning and Zoning